



2009 ASSEMBLY BILL 342

July 8, 2009 - Introduced by Representatives SHERMAN, DANOU, HRAYCHUCK, MURTHA, RADCLIFFE, TOWNSEND, TURNER, A WILLIAMS and DEXTER, cosponsored by Senators LEHMAN, SCHULTZ, TAYLOR and A. LASEE. Referred to Committee on Fish and Wildlife.

1 **AN ACT to create** 349.05 of the statutes; **relating to:** operation of lightweight
2 utility vehicles on certain highways by persons with disabilities to access
3 hunting and fishing areas.

Analysis by the Legislative Reference Bureau

Current law defines a lightweight utility vehicle as an engine-driven vehicle having a gross weight of more than 700 pounds but not more than 1,999 pounds that is designed to travel on four or more low-pressure tires, is equipped with a cargo area, and is used primarily off a highway. The Department of Natural Resources, in conjunction with the Department of Transportation, oversees a lightweight utility vehicle pilot program to study the use of lightweight utility vehicles on trails and roadways used by all-terrain vehicles.

This bill authorizes a person who holds a Class A or Class B hunting permit for persons with physical disabilities, or who holds an annual or temporary fishing license for person with disabilities, to operate a lightweight utility vehicle on town roads and forest roads for travel to a hunting or fishing area. A person with a disability may bring one passenger with him or her on the lightweight utility vehicle, may not travel more than five miles from the person's home, and may only operate the lightweight utility vehicle during hours of daylight. The bill prohibits the operation of lightweight utility vehicles on state trunk highways, county trunk

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highways, freeways, and expressways, except to cross a state trunk highway or county trunk highway.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 349.05 of the statutes is created to read:

2 **349.05 Use of lightweight utility vehicles on highways by persons with**
3 **disabilities. (1)** In this section:

4 (a) “Forest road” means a public road within a county forest, state forest, or
5 national forest that is open and used for travel and that is not a state trunk highway
6 or county trunk highway or a town road.

7 (b) “Lightweight utility vehicle” has the meaning given in s. 23.33 (11m) (a) 2.

8 (c) “Political subdivision” means a city, village, town, or county.

9 (d) “State agency” means an office, commission, department, or independent
10 agency in the executive branch of state government.

11 (e) “Town road” means a road under the jurisdiction, for maintenance purposes,
12 of a town.

13 **(2)** Notwithstanding s. 23.33 (11m), no state agency or political subdivision
14 may prohibit a person from operating a lightweight utility vehicle on any town road
15 or forest road to access any area where hunting or fishing is allowed if all of the
16 following apply:

17 (a) The person holds a Class A or Class B permit under s. 29.193 (2), a license
18 issued under s. 29.193 (3) (b) or (c), or a license issued under s. 29.193 (3m) based
19 upon the evidence specified in s. 29.193 (3) (b) or (c), and the person operates the
20 lightweight utility vehicle only for the purposes of hunting or fishing or is otherwise
21 engaging in an activity authorized by the permit.

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1 (b) The person travels no more than 5 miles from his or her home.

2 (c) The person carries no more than one passenger on the lightweight utility
3 vehicle.

4 (d) The person operates the lightweight utility vehicle only during hours of
5 daylight.

6 **(3)** A person operating a lightweight utility vehicle in compliance with sub. (2)
7 may not operate the lightweight utility vehicle on state trunk highways, county
8 trunk highways, expressways, or freeways, except the person may cross state trunk
9 highways and county trunk highways if all of the following apply:

10 (a) The crossing is done in the most direct manner practicable and is made at
11 a place where no obstruction prevents a quick and safe crossing.

12 (b) The operator stops the lightweight utility vehicle prior to the crossing and
13 yields the right-of-way to other vehicles, pedestrians, and electric personal assistive
14 mobility devices using the highway.

15 (END)